

August 1, 2001

APPROPRIATIONS COMMITTEE LANGUAGE/GUIDANCE

GENERAL

<u>House Report for FY 2002 (107-139)</u>	<u>Senate Report for FY 2002 (107-42)</u>	<u>Conference Report for FY 2002</u>
<p>The Committee recommends a total of \$3,092,728,000 in new budget authority, of which \$7,000,000 is mandatory spending, for the six appropriation items of the National Oceanic and Atmospheric Administration (NOAA) and transfers totaling \$71,000,000. This amount is an increase of \$29,128,000 over the President's request, and an increase of \$51,939,000 over the current year. The amount provided includes a total of \$440,000,000 for programs in the conservation spending category.</p>	<p>Total Appropriation/Overall Guidance</p> <p>The Committee recommends an appropriation of \$3,349,685,000 for National Oceanic and Atmospheric Administration [NOAA], of which \$7,000,000 is mandatory spending. Transfers total \$71,000,000. This amount provided includes \$251,000,000 for programs in the conservation spending category. The recommendation is \$286,085,000 above the budget request. During this time of continued budgetary constraint, the Committee recommendation continues to make funding for ocean, coastal, fisheries, and atmospheric programs a high priority.</p> <p>As in past years, the Committee expects NOAA and the Department of Commerce to adhere to the direction given in this section of the Committee report and to observe the reprogramming procedures detailed in section 605 in the general provisions of the accompanying bill.</p>	

<u>House Report for FY 2002 (107-139)</u>	<u>Senate Report for FY 2002 (107-42)</u>	<u>Conference Report for FY 2002</u>
<p>For the fiscal year 2002 budget, the House and Senate Appropriations staff along with NOAA managers have realigned the NOAA budget structure.</p> <p>Funding is provided to maintain NOAA core operations, including the National Weather Service, mapping and charting, satellite operations, fishery management programs, atmospheric research and ocean conservation programs. Funding for new initiatives was provided at a lower level than requested, but most core programs were provided at least the requested level.</p>	<p>Bill language is included that authorizes a NOAA Business Management Fund.</p> <p>The Committee supports NOAA's efforts to restructure and simplify its budgetary request. The Committee commends the five line offices and NOAA's budget office for their efforts in realigning the various programs funded and for bringing transparency to their budget proposals. As a result of these efforts, the Committee recommendations by program are reflected in a new series of tables. In many cases, these tables replace report language carried in previous Committee Reports regarding programs, projects, and activities. The Committee considers these tables binding. The Committee advises NOAA to seek the Committee's guidance if it is unsure on any matter reflected in the tables. The Committee directs NOAA to continue its restructuring efforts and expects the fiscal year 2003 budget request to reflect the changes contained within these tables. The Committee continues to support NOAA as one integrated agency and in no way intends for this restructuring to create separate appropriations for each of NOAA's line offices.</p>	

<u>House Report for FY 2002 (107-139)</u>	<u>Senate Report for FY 2002 (107-42)</u>	<u>Conference Report for FY 2002</u>
<p>Operations, research, and facilities (including transfers of funds)</p> <p>The bill includes \$2,200,298,000 in new budget authority for the coastal, fisheries, marine, weather, environmental, satellite, and other programs funded in this appropriation. This amount is an increase of \$19,989,000 above the fiscal year 2002 request. Of this amount, \$304,000,000 is provided under the conservation account.</p> <p>In addition to the new budget authority provided for the NOAA ORF account, the Committee recommends a transfer of \$68,000,000 from balances in the account entitled, ``Promote and Develop Fishery Products and Research Pertaining to American Fisheries." The total amount provided also includes prior year deobligations totaling \$17,000,000, and \$3,000,000 from collections from the Coastal Zone Management Fund, the same amount proposed in the budget. The bill also includes language to allow NOAA to retain gifts and contributions made under the Marine Sanctuary Program. The Committee expects NOAA to fully utilize the authorities provided for this program.</p>	<p>Operations Research, and Facilities</p> <p>The Committee recommends discretionary appropriations of \$2,267,705,000 for operations, research, and facilities for fiscal year 2002. The recommendation is \$87,396,000 above the budget request. Of this amount, \$33,650,000 is provided for conservation.</p>	

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<p>Language is also included in the bill specifying the total amount of direct obligations available for each of the six NOAA line offices and other related activities funded through this account. The Committee has taken this action to provide greater clarity and accountability in budgeting and management for the diverse activities funded in this account. In addition, the bill also modifies language from the fiscal year 2001 Act regarding the practice of assessing NOAA line organizations, programs, projects, and activities, to support NOAA and line office overhead and programs over and above the amounts specifically provided. The Committee reminds NOAA that administrative charges levied against certain activities assigned in the bill are limited to no more than five percent.</p> <p>Language carried in prior years regarding funding and personnel in Executive Direction and Administration has been discontinued, as proposed. In addition, language is continued from prior years regarding the use of deobligations in excess of amounts estimated in the budget.</p> <p>Further, the Committee expects NOAA to follow the direction given in this section of the report as well as the sections addressing the Committee's reprogramming requirements.</p>		

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<p>This year, the Committee and NOAA have worked together to prepare a new budget structure to realign resources within the National Marine Fisheries Service and the Office of Atmospheric Research line office, and realigns funding for data acquisition (ship time) components under the Program Support account. In addition, there is a reallocation from the President's request of \$10,750,000 from NESDIS, under the Procurement Acquisition, and Construction account to NESDIS, under the Operations, Research, and Facilities account.</p> <p>The following revised and extended table compares the Committee recommendation to the President's request for the activities, subactivities, and projects funded in this appropriation. The table has been expanded from prior years to provide greater clarity. Report language is provided for Committee direction or to provide additional information.</p>		

<u>House Report for FY 2002 (107-139)</u>	<u>Senate Report for FY 2002 (107-42)</u>	<u>Conference Report for FY 2002</u>
	<p>Ocean Observing System.</p> <p>The Committee maintains a strong interest in an integrated interagency ocean observing system. Such a system would bring together Federal, academic, and state institutions, and industry into a coordinated system for monitoring U.S. marine waters. A coordinated national approach, linked effectively with similar programs in other nations, is an essential prerequisite for effective use and management of the oceans. The nation cannot realize the economic, social, and security benefits of the oceans in a responsible, sustainable manner without such a program. A number of agencies including the White House Office of Science and Technology Policy, NOAA, the National Science Foundation, and the Office of Naval Research have varying interests and responsibilities in this area. The Committee directs the relevant agencies to work through the National Science and Technology Council and the National Oceanographic Partnership Program to develop an interagency plan for an ocean observing system and submit this report to the Committee with the President's fiscal year 2003 budget request.</p>	

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<p>NATIONAL OCEAN SERVICE</p> <p>The Committee has included a total of \$375,609,000 for activities of the National Ocean Service (NOS) for fiscal year 2002.</p> <p>[From Program Support: The University of Louisiana at Lafayette may occupy the presently vacant space in the National Oceanic and Atmospheric Administration facility in Lafayette, Louisiana, and conduct classroom teaching, scientific research and related activities on the premises at no expense to the University.]</p> <p>Mapping and Charting</p> <p>The recommendation includes \$68,525,000 for mapping and charting activities, which is \$2,925,000 above the budget request and \$9,768,000 above the current year. The recommendation includes \$24,985,000 for the hydrographic survey backlog line. The recommendation is consistent with the position the Committee has supported for years that at least 50 percent of hydrographic surveying should be contracted out. The Committee considers mapping and charting that promotes commerce and ensures safe navigation to be a priority for NOAA. At the President's request level, it would take 20 years for NOAA to update maps and charts of the critically important areas. The Committee recommendation includes an increase to the "address survey backlog" line of \$4,535,000 for the Gulf of Mexico, including Lake Pontchartrain.</p>	<p>NATIONAL OCEAN SERVICE</p> <p>The Committee recommends an appropriation of \$447,240,000 for the National Ocean Service [NOS]. The recommendation is \$82,754,000 above the budget request.</p> <p>The Committee has provided bill language that allows the Secretary to proceed as he deems necessary to have NOAA occupy and operate its research facilities in Lafayette, Louisiana.</p> <p>Navigation</p> <p>The Committee recommends \$5,455,000 for Electronic Navigational Charts. Of this amount, the Committee recommends \$1,900,000 to create a catalog of electronic navigational charts for Alaska. Of the amounts provided for the Joint Hydrographic Center, \$1,000,000 is for a study to analyze the data needs for developing a U.S. claim beyond the 200 nautical mile Exclusive Economic Zone. This report will be submitted to Congress by May 31, 2002, and will identify existing data, data gaps, survey costs, and contracting opportunities to prepare a U.S. claim.</p>	

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<p>Further, the Committee directs NOAA to enter into a long-term lease or charter of a U.S. purpose-built, U.S. flag hydrographic survey vessel which is capable of performing the full scope of necessary hydrographic services. To provide optimal quality survey data to NOAA, the intended vessel should be equipped with a suite of state-of-the-art survey equipment capable of providing quality data from inshore waters to full ocean depths. It is the Committee's intent to provide the most efficient and cost-effective use of the survey backlog funding, including using longer-term private vessel charters. This model would allow NOAA to sustain its goal of maintaining accurate and timely charts of the Nation's waters without additional Federal capital outlays. Acquisition of data funding (ship time) has been moved to Program Support.</p> <p>Geodesy</p> <p>The Committee has included \$22,862,000 for NOAA's geodesy programs, an increase of \$527,000 above fiscal year 2001 and \$938,000 above the request. No funding is provided for the National Spatial Reference System or for the South Carolina Geodetic survey. NOAA is directed to work with the states of Louisiana and Wisconsin to assess their requirements for similar programs and report back to the Committee by September 15, 2001.</p>		

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<p>Tide and Current Data The Committee has recommended \$19,295,000 for this activity, an increase of \$4,239,000 above fiscal year 2001 and \$2,045,000 above the request. The increase from current year levels is for the continued implementation of the Physical Oceanographic Real-Time System (PORTS) program and increased funding for the National Water Level Observation Network (NWLON) on the Great Lakes.</p> <p>Ocean Assessment Program The Committee recommendation provides \$74,163,000 for this activity, of which \$57,525,000 is under the conservation category. Of the amount provided for the Coastal Services Center, \$1,000,000 is for the Alliance for Coastal Technologies.</p>		

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	<p>Ocean Resources Conservation and Management</p> <p>The Committee directs the National Ocean Service to establish a Coastal Observation Technology System. This program shall provide a national framework, technical assistance, and support for sustained coastal observation systems. Among the entities with which the National Ocean Service is directed to engage are the Alliance for Coastal Technologies, Center for Integrated Marine Technologies, the University of New Hampshire Sea Grant program, and other regional organizations as appropriate. Regarding this activity, the Secretary and the National Ocean Service have the authority to transfer funds and enter into agreements with any entity, including other Federal agencies. The Committee recommendation includes \$12,000,000 for this program, of which \$3,000,000 is for the Alliance for Coastal Technologies; \$3,000,000 is for the Center for Integrated Marine Technologies, and \$3,000,000 is for the University of New Hampshire Sea Grant program. Funding for this activity is from the conservation category.</p>	

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	<p>The Committee recommendation includes an additional \$1,000,000 for the Oxford laboratory to fill three full-time equivalents and purchase new lab equipment. The Committee recommendation includes \$20,000,000 for the Coral Reef Program. Of this amount, the Committee recommendation includes \$6,000,000 to convert a T AG S vessel to support the research, monitoring, assessment, restoration, and outreach needs of the National Ocean Service in waters around the Hawaiian Islands and the American Flag Territories, including support for sanctuary activities. Under Response and Restoration, \$1,000,000 is provided for Coastal Remediation Technology to develop a cooperative program with the Cooperative Institute for Coastal and Estuarine Environmental Technology to evaluate innovative environmental technologies for estuary remediation. Of the \$1,950,000 provided for the Marine Environmental Health and Research Laboratory, the Committee recommendation includes \$450,000 for the Murrells Inlet Special Area Management Plan. Under funding for the Coastal Ocean Program, the Committee directs the program to work with and continue its current levels of support for the Baruch Institute's research and monitoring of small, high-salinity estuaries.</p>	

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<p>Coastal Zone Management --The Committee recommendation provides a total of \$104,745,000, as requested, under the National Ocean Service to assist coastal States in implementing clean water programs. Of this amount, \$68,963,000 is for grants to States in accordance with sections 306 and 306A of the Coastal Zone Management Act (CZMA), the same amount as in the request and \$8,596,000 above the current year. In the fiscal year 2001 Appropriations Act, the Committee directed NOAA to provide an assessment of the national impact of this program and submit such assessment to the Committees on Appropriations no later than March 15, 2001. The Committee has not received this report. The recommendation does not make language changes to the limits of each grant. While the Administration's request includes an increase of \$12,184,000 for the CZMA program, the Committee notes the CZMA authorization has expired.</p> <p>Further, \$10,000,000 is requested by the Administration for the Non-Point Source Pollution Implementation grants program, which is not authorized under sections 306 and 306A of the CZMA, but rather section 6217 of the CZMA. In fiscal year 2001, the Committee provided \$10,000,000 for the program, and the Environmental Protection Agency (EPA) non-point source program was funded at \$238,000,000.</p>	<p>Ocean and Coastal Management</p> <p>Coastal Zone Management --The Committee is concerned that the Federal Coastal Zone Management Program has not adequately identified State practices that may contribute to coastal hazards. The NOAA is to provide a report to the Committees on Appropriations by September 15, 2001, that identifies States with Federally approved Coastal Management Programs with policies that allow for the readjustment of beachfront zoning, building baselines, and setback regulations based upon shoreline accretion and erosional characteristics. This report will specifically identify those States with policies that allow artificial shoreline accretion and beach nourishment to be the basis for modifying placement of beachfront zoning lines, baselines, and construction setback mechanisms.</p>	

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<p>The Committee remains concerned that the program remains unauthorized, and has questioned whether NOAA's program is duplicative of programs funded under the Environmental Protection Agency and the Department of Agriculture.</p> <p>Marine Sanctuaries --The recommendation provides \$36,000,000 for the program, \$3,571,000 above the current year, of which \$500,000 is for the activities of the Northwest Straits Citizens Advisory Commission, the same amount provided in fiscal year 2001. The Commission was established to focus on the marine resources in the area, mobilize science and support marine resource committees, and establish a forum for coordination and consensus building, in lieu of Federal designation of the area as a Marine Sanctuary. The Committee believes that such a consensus-based approach is an innovative and novel way to promote marine conservation, the goal of the Marine Sanctuary Program. The Committee continues to believe that NOAA should redouble its efforts to pursue revenue enhancement initiatives and to explore other voluntary, innovative means to identify partners and raise additional resources for the sanctuaries. In addition, the bill includes language, carried in previous years, allowing the collection of user fees for the sanctuaries.</p>		

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<p>Marine Protected Areas --</p> <p>\$3,000,000 is provided, as requested, for marine protected areas to develop an atlas of local, regional, state, Federal and international marine protected areas at least partially in the United States Exclusive Economic Zone. The atlas should include Geographic Information System compatible maps of these areas, descriptions of the statutory and regulatory establishment documents for these areas, and any regulations or restrictions imposed on such areas. Marine Protected Areas included in the atlas should not include land areas adjacent to marine areas. No funds should be used to evaluate, propose or designate new marine protected areas.</p>	<p>Marine Protected Areas</p> <p>The Committee recommendation includes \$3,000,000 for marine protected areas. The Committee notes that a national discussion on the potential of marine protected areas to protect the country's marine resources is merited. The Committee is concerned, however, that the nature of this discussion could be limited only to the input of Federal officials and ignore the true stakeholders and users of these resources. The Committee strongly recommends that NOAA seek broad input from commercial and sport fishermen as well as from scientists, fisheries experts, and environmentalists before rendering any decisions or making any recommendations to the Secretary of Commerce or to the Congress on the matter of creating marine protected areas. NOAA will submit a spending plan to the Committees on Appropriations on how it intends to engage the above groups before any of the funds for marine protected areas are obligated. Finally, the Committee notes that NOAA skillfully facilitated a broad discussion regarding the Tortugas Ecological Reserves in Florida and recommends that similar approaches to designating marine protected areas be applied in the future.</p>	

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	<p>The Committee encourages NOAA to continue its work with the Mariner's Museum and the Navy on efforts to recover and preserve the Monitor.</p> <p>The Committee does not recommend funding for the Sustainable Seas Expedition. During this time of budgetary constraint, it is critical that NOAA use limited staff time and days at sea judiciously in order to fulfill its core scientific and research missions. To date, NOAA has requested \$1,500,000 for the Sustainable Seas Expedition and spent over \$10,000,000. It appears that NOAA did not adhere to section 605 of this bill. Furthermore, the Committee expects that no ship time will be allocated to the Sustainable Seas Expedition. The Committee has provided \$14,000,000 in Oceanic and Atmospheric Research for Ocean Exploration. This investment will allow for a cross-agency, multi-institution partnership with a common goal of discovery and exploration of the last major frontier on Earth. This activity should replace the Sustainable Seas Expedition as NOAA's investment in undersea exploration, research, and technology in both the deep ocean and areas of special concern, such as the National Marine Sanctuaries.</p>	

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<p>NATIONAL MARINE FISHERIES SERVICE</p> <p>The Committee has provided a total of \$542,121,000 for the programs of the National Marine Fisheries Service (NMFS), as compared to \$598,036,000 as requested. Bill language is not included designating funding for Alaska Steller sea lions.</p> <p>The Committee's actions reflect the fact that the key to building sustainable fisheries lies in the ability to accurately assess the status of the stock. Early assessment enables more accurate and timely decisions by managers of the resource to ensure continued viability of the resource. Thus the Committee has placed highest priority on, and provided increases for, programs and activities which ensure that the National Marine Fisheries Service (NMFS) and its resource management partners have access to the necessary information to make fishery management decisions.</p>	<p>NATIONAL MARINE FISHERIES SERVICE</p> <p>The Committee recommends an appropriation of \$555,775,000 for the National Marine Fisheries Service [NMFS]. The recommendation is \$42,261,000 below the budget request. The Committee has included bill Language directing NMFS to obligate \$6,000,000 to the NOAA Office of General Counsel. This will enable the Under Secretary and Associate Offices to remain fully funded. The Committee directs that this realignment will only come from NMFS base funds. The Committee observes that there are opportunities to significantly improve the regulatory processes of the National Marine Fisheries Service. Currently, NMFS handles each Endangered Species Act or National Environmental Policy Act case on an ad hoc basis, causing unnecessary delays, unpredictable outcomes, and a lack of accountability.</p>	

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<p>Science and Technology The Committee also expects NMFS to continue the collaborative multi-regional biological research on highly migratory species of sharks to provide NMFS with the information necessary for effective management of the highly migratory shark fishery and conservation of imminently threatened shark fishery resources. Of the amounts provided under Science and Technology, \$250,000 is for aquaculture work at the NMFS Milford, CT laboratory.</p> <p>The Committee remains concerned at the increasing number of lawsuits against NMFS. As of March 30, 2001 there were 102 open lawsuits against NMFS. Of these lawsuits, 40 percent were brought by the environmental community, 30 percent by the commercial fishing industry, 13 percent by local government, 14 percent by community developers/other industry, and the remaining 3 percent were filed by tribes and recreational fishing groups. The majority of these lawsuits were based on the National Environmental Policy Act (NEPA) and the Endangered Species Act (ESA). In last year's conference agreement, a total of \$21 million was provided to assist NOAA in meeting its research requirements due to lawsuits. The Committee has continued this funding level in fiscal year 2002.</p>	<p>Science and Technology The development and application of standardized practices would improve the quality and efficiency of regulatory decisions and raise the likelihood of success in litigation. The Committee instructs NOAA and NMFS to develop and apply throughout NMFS standardized practices for regulatory decisions. Furthermore, the Committee recommends streamlining the process by reducing the layers of review and concentrating the responsibility on qualified decision makers. The Committee expects to receive a plan for accomplishing these objectives by December 15, 2001, followed by quarterly reports of progress against these objectives.</p> <p>The Committee remains concerned that NMFS has become overburdened by lawsuits regarding a variety of issues related to fisheries and protected species, including the Steller sea lion and the Northern right whale. In order to assist the Committee in assessing this trend, NMFS is directed to provide a quarterly status report on pending litigation.</p>	

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<p>Atlantic Bluefish/Striped Bass The Committee recommendation includes \$1,550,000 in funding under Fisheries Research and Management Services, Science and Technology for the ongoing program under the Cooperative Education Marine Research program to study the decline of near shore Atlantic bluefish stocks and striped bass population monitoring.</p> <p>Data Collection Efforts for States The Committee remains concerned that there are a number of different mechanisms in place to collect data and these data may not be available to fishery managers in a useable format. As a result, the Committee directs NMFS to ensure that information from fishery observers and state data is incorporated into the National Fisheries Information System. The Committee recommendation includes \$2,350,000 to ensure this coordination.</p>		

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<p>Protected Species Management The recommendation includes \$141,819,000 for protected species management, of which \$68,143,000 is under the conservation budget category. Marine Mammal Stranding funding of \$4,000,000 is for the Prescott Marine Mammal Stranding grant program as authorized in Public Law 106 555.</p>	<p>Protected Resources Research and Management --The Committee recommendation provides \$1,000,000 to Marine Mammal Protection--Alaska Harbor Seal Research to be split evenly between the Alaska Sea Life Center and the Alaska Native Harbor Seal Commission.</p> <p>Cooperative activities by Federal and State agencies are a vital part of conservation programs for many endangered and threatened species under the jurisdiction of the National Marine Fisheries Service. Among other things, state agencies offer knowledge, personnel, expertise, resources, and the legal authority to help carry out urgent research and management tasks. The Committee encourages NOAA to examine the existing and potential role of state agencies in carrying out recovery program tasks for Hawaiian monk seals, right whales, and other endangered or threatened marine species under the jurisdiction of the Secretary of Commerce. Where appropriate and not already in effect, the Committee encourages NOAA to develop cooperative agreements with states under section 6 of the Endangered Species Act to establish or clarify state agency involvement in those recovery programs. The Committee expects NOAA to request appropriations in their fiscal year 2003 budget under section 6 to support cooperative state activities that contribute to the recovery of endangered marine species.</p>	

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	<p>In the past, Congress provided \$7,000,000 under Magnuson-Stevens Act for the Pribilof Islands to address the severe economic impact caused by precipitous decline in crab stocks in the Bering Sea. The Committee is concerned that the economy of the village of St. George was so adversely impacted, it has not been able to provide the required local match and has not been able to access the economic recovery funds. The Committee has included bill language waiving the match consistent with the Interjurisdictional Fisheries Act.</p> <p>Out of base funds budgeted for the Southwest Regional Office [SWR], the Committee provides \$1,000,000 for the Pacific Islands Area Office [PIAO] for administrative costs associated with the transition of the [PIAO] to the Western Pacific Regional Office. Within 30 days of date of enactment, SWR shall provide a report identifying all funds expended in fiscal years 2000 and 2001 by the SWR to support programs relating to Western Pacific region.</p>	

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<p>Right Whales The Committee expects NMFS to continue its right whale research and to focus on much needed gear modification research. The Committee is concerned that strikes by large vessels have resulted in right whale fatalities. The Committee continues its direction from last year for NMFS to work with the Coast Guard and the Department of the Navy to reduce the strikes in whale habitat areas.</p>	<p>Right Whales. The Committee recommendation includes \$7,000,000 for North Atlantic right whale research and management activities. Of the amount provided, \$1,000,000 is for the Northeast Consortium to complete funding of right whale research grants awarded in fiscal year 2001; and, \$1,500,000 is for Atlantic coastal states to implement cooperative federal-state right whale recovery plans, such as those concluded under section 6 of the Endangered Species Act [ESA]. The Committee strongly encourages NMFS to conclude ESA section 6 agreements with coastal states of concern prior to fiscal year 2003. The remaining \$4,500,000 is for NMFS to expedite right whale recovery in consultation with the Implementation Team and the Take Reduction Team. The NMFS is expected to support priority management, enforcement, and ship strike prevention activities, including expedited development and deployment of innovative fishing gear and whale tracking technologies, improved stranding response and procedures, a whale-sighting advisory system, and a mandatory ship-reporting system. No more than 20 percent of funds provided to NMFS may be used for salaries of existing personnel. The Committee expects NMFS to submit a status report to Congress describing its progress in meeting the priority recovery goals established in the 5-year research and management plan, as was requested in the fiscal year 2001 Conference Report. The Committee notes that this report has not been submitted for review by the Appropriations subcommittee. None of the funds for right whale activities may be obligated until this report has been approved.</p>	

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<p>The Committee expects NOAA to maintain as a priority under the Saltonstall-Kennedy grant program proposals for research and education efforts directed at the protection of high-risk consumers from naturally occurring bacteria associated with raw molluscan shellfish.</p> <p>Specifically, the Committee expects continuation of on-going efforts to address concerns associated with <i>Vibrio vulnificus</i>.</p>		

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	<p>The Committee supports NMFS's efforts to address international conservation and recovery of sea turtles through an international bycatch strategy under Magnuson-Stevens Act Section 202(h), which calls for the Secretary of State, in cooperation with the Secretary of Commerce, to seek international agreements to establish standards and measures for bycatch reduction that are comparable to U.S. standards. International action is urgently needed in the international longline fishery, particularly in the Pacific region. In furtherance of this goal, the Committee directs NMFS, in cooperation with the Department of State, to work with other nations and industry, including the Asia-Pacific Economic Cooperation Forum, to develop alternative fishing technologies and practices designed to reduce incidental capture mortality of sea turtles in the international longline fleet. NMFS is urged to convene preparatory meetings on gear development, particularly in the Pacific region, prior to the technical workshop scheduled for 2002 to ensure that agreement on alternative gear research and data sharing, including timetables for specific action, can be concluded at this workshop. The Department of Commerce and Department of State shall report back on the status of these efforts within 90 days of enactment of this Act. The Committee recommendation includes \$500,000 under NOAA "Executive Direction and Administration" for travel expenses associated with this effort.</p>	

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<p>Columbia River The Committee is aware of the National Marine Fisheries Service's obligations, under the 2000 Biological Opinion for the Federal Columbia River Power System, to address the impacts of the operation of federal hydroelectric dams on the Columbia and Snake Rivers on endangered and threatened salmon. The Committee is also mindful that record-low water levels in the river systems could result in severe energy and water shortages in many states. Therefore, the Committee urges NMFS to use full flexibility under the Biological Opinion. In addition, the Committee is concerned that NMFS may be delaying consultation with the U.S. Army Corps of Engineers on its implementation of critical interim maintenance of navigational channels through dredging activities on the Snake, Clearwater, and mid-Columbia Rivers. These delays could significantly and adversely impact barge transportation as well as fish stocks, including juvenile smolts, along the river system. The Committee directs NMFS to devote resources to expedite its review of the Walla Walla Corps of Engineers' environmental assessment. The Committee understands that if the assessment is not received from the U.S. Corps of Engineers by August 2001, there may be affects on the maintenance of navigational channels during the 2001 winter season</p>		

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	<p>Fisheries Research and Management --The Committee recommendation includes \$5,000,000 for the National Fisheries Information System. The NMFS will submit a spending plan on the capabilities and out-year costs of this system before any funds for it may be obligated. The Committee has provided \$3,700,000 for the recreational fishing information network [RecFIN] program, and expects that the Pacific, Atlantic, and Gulf States shall each receive one-third of these funds with funding for inshore recreational species assessment and tagging efforts in South Carolina. The Committee expects that \$250,000 will be used to continue the effort to enhance the annual collection and analysis of economic data on marine recreational fishing. The Committee recommends that the \$ 750,000 for the Interstate Fish Commissions be equally divided among the three commissions. As in prior fiscal years, funds appropriated for the Hawaii Fisheries Development and Hawaii Stock Management Plan programs shall be administered by the Oceanic Institute.</p> <p>Protected Resources Research and Management --The Committee recommendation provides \$1,000,000 to Marine Mammal Protection--Alaska Harbor Seal Research to be split evenly between the Alaska Sea Life Center and the Alaska Native Harbor Seal Commission.</p>	

<u>House Report for FY 2002 (107-139)</u>	<u>Senate Report for FY 2002 (107-42)</u>	<u>Conference Report for FY 2002</u>
<p>Habitat Restoration The recommendation includes \$37,088,000, which is funded under the conservation category. A total of \$5,000,000 is provided through the Chesapeake Bay Office, of which \$2,000,000 is for oyster reef construction, to be divided evenly between Maryland Oyster Reef Partnership and the Virginia Oyster Reef Heritage Foundation. The Partnership and the Foundation should consult with their respective state marine resource agencies in planning, locating and building oyster reefs.</p>	<p>Habitat Conservation --The Committee recommendation includes \$3,000,000 for Chesapeake Bay Studies. In addition, the Committee recommends that NOAA initiate a micro-grant program allowing local governments and non-profit organizations to perform fisheries and shellfish restoration on the Chesapeake Bay.</p> <p>Enforcement and Surveillance -The Committee recommendation provides \$250,000 for a fisheries enforcement vessel for the New Hampshire Department of Fish and Game. This vessel should be used equally for biological research and fisheries enforcement.</p>	

<u>House Report for FY 2002 (107-139)</u>	<u>Senate Report for FY 2002 (107-42)</u>	<u>Conference Report for FY 2002</u>
<p>OCEANIC AND ATMOSPHERIC RESEARCH</p> <p>The Committee has provided a total of \$317,483,000 for the Oceanic and Atmospheric Research Programs of NOAA, instead of \$330,188,000 as requested. The revised budget structure table identifies the available funding for each of the OAR laboratories. The Committee recommendation includes the following amounts for basic laboratory research and support under Oceanic and Atmospheric Research:</p> <p>Climate Research The Committee has included \$147,520,000 for the Climate Research category. Within the amounts for the Climate and Global Change base, \$1,000,000 is provided to the University of Arizona. Of funds available to the Pacific Marine Environmental Laboratory, \$2.5 million shall be available for the VENTS program. Of the amounts provided for OAR, \$499,000 for the coral reef watch program is provided under the conservation category.</p>	<p>OCEANIC AND ATMOSPHERIC RESEARCH</p> <p>The Committee recommends an appropriation of \$367,630,000 for Oceanic and Atmospheric Research. The recommendation is \$37,442,000 above the budget request.</p> <p>Climate Observations and Services Of the amounts appropriated for Argo, no less than 275 floats shall be deployed. The Committee recommends that with the funds provided for the Carbon Cycle line, at least one sampling site be established in New Hampshire.</p>	

<u>House Report for FY 2002 (107-139)</u>	<u>Senate Report for FY 2002 (107-42)</u>	<u>Conference Report for FY 2002</u>
	<p>Weather and Air Quality Research Of the \$3,730,000 provided for the Weather Research Program base, the Committee recommends \$500,000 for continued development of the 3 D ceilometer in Hawaii. In addition, the Committee recommendation includes \$4,000,000 for a pilot air quality forecasting system to increase the operational efficiency of power plants while minimizing their impact on air quality. The Committee recommendation also includes \$5,000,000 to operate a model and deploy meteorological sensors to improve the daily temperature forecasts in a specific region. This will foster greater energy efficiency and more accurate electrical load forecasting.</p>	

<u>House Report for FY 2002 (107-139)</u>	<u>Senate Report for FY 2002 (107-42)</u>	<u>Conference Report for FY 2002</u>
<p>National Undersea Research Program (NURP) Of the amount provided for the National Undersea Research Program, \$1 million is for administration, \$1.8 million is for Alvin and Aquarius, and the remaining funds are to be split evenly between the East Coast and West Coast Centers.</p>	<p>Ocean, Coastal, and Great Lakes Research . Within the amount provided for the Great Lakes Environmental Research Lab (GLERL), the Committee recommends that NOAA support research programs on aquatic invasive species mitigation and reduction in the Lake Champlain Basin. In addition, the Committee recommends \$500,000 for a study on the construction of an interagency facility owned by NOAA which would replace a leasing arrangement</p> <p>National Undersea Research Program (NURP) The Committee recommends \$13,850,000 for the National Undersea Research Program (NURP). Of the amount provided \$6,925,000 is for research conducted through the east coast NURP centers and \$6,925,000 is for the west coast NURP centers, including the Hawaiian and Pacific Center and the West Coast and Polar Regions Center. The Committee expects level funding will be available for Aquarius, ALVIN, and program administration.</p>	

<u>House Report for FY 2002 (107-139)</u>	<u>Senate Report for FY 2002 (107-42)</u>	<u>Conference Report for FY 2002</u>
<p>NATIONAL WEATHER SERVICE</p> <p>The Committee recommendation includes a total of \$659,349,000 for the National Weather Service for fiscal year 2002 under the ORF account, which is \$29,945,000 above fiscal year 2001 and \$893,000 above the request. Additional amounts for NWS are provided under the Procurement, Acquisition and Construction account to support NWS systems modernization and facilities requirements. Of the amounts provided under systems operation and maintenance, \$3.1 million is for the relocation and installation of a WSR 88D from Keesler Air Force Base in Mississippi to Brandon, Mississippi. Funding for the Susquehanna River Basin flood system should remain at current year levels.</p>	<p>NATIONAL WEATHER SERVICE</p> <p>Local Warnings and Forecasts - The "1995 Secretary's Report to Congress on Adequacy of NEXRAD Coverage and Degradation of Weather Services" requested further studies of several sites, including Williston, ND and Erie, PA. The Committee provided funds to begin mitigation in fiscal year 1999 at these sites. The Committee has provided \$4,790,000 to continue current operations at these sites. In addition, the Committee directs the NWS to make appropriate arrangements to maintain a local presence for the maintenance of the NOAA weather radio antenna in Erie, PA and develop a strategy to adequately address the prediction of lake-effect snow in the area. The Committee recommendation includes funding for three data buoys off New England in accordance with the National Research Council report of 1998.</p> <p>Advanced Hydrological Prediction Service - The Committee recommendation provides \$1,500,000 for the Advanced Hydrological Prediction Service, an increase of \$500,000. The Committee expects that this increase will cover the development of this service for New Hampshire.</p>	

<u>House Report for FY 2002 (107-139)</u>	<u>Senate Report for FY 2002 (107-42)</u>	<u>Conference Report for FY 2002</u>
	<p>Systems Operation and Maintenance - The Committee notes that Alaska has the highest pilot death rate in the nation. No weather forecasting facilities exist in dozens of remote Native Alaskan villages. Accidents are often caused by rapidly changing weather conditions for which no forecasting information is available. The Committee recommendation provides \$12,650,000 for Automated Surface Observing System [ASOS], of which \$5,000,000 is for the installation of forecasting equipment in remote Alaskan villages..</p>	

<u>House Report for FY 2002 (107-139)</u>	<u>Senate Report for FY 2002 (107-42)</u>	<u>Conference Report for FY 2002</u>
<p>NATIONAL ENVIRONMENTAL SATELLITE, DATA AND INFORMATION SERVICE</p> <p>The recommendation includes \$149,624,000 for the operational and research and development programs of the National Environmental Satellite, Data, and Information Service (NESDIS), an increase of \$7,212,000 from the request and \$24,665,000 above current year. The revised budget structure transfers \$10,500,000 from the PAC account to this appropriations account.</p> <p>Environmental Data Management Systems Funding is provided to continue a multi-year program of climate database modernization and utilization. The recommendation includes \$3,000,000 for continuation of the Regional Climate Centers program, which was proposed for elimination. Further, the Committee recognizes the value of NOAA climate data centers as the U.S. repositories for historical environmental data and encourages the Administration to ensure that in future years adequate funding is requested to maintain these centers.</p>	<p>NATIONAL ENVIRONMENTAL SATELLITE, DATA, AND INFORMATION SERVICE</p> <p>The Committee recommends an appropriation of \$150,515,000 for the National Environmental Satellite, Data, and Information Service [NESDIS]. The recommendation is \$18,853,000 above the request.</p>	

<u>House Report for FY 2002 (107-139)</u>	<u>Senate Report for FY 2002 (107-42)</u>	<u>Conference Report for FY 2002</u>
<p>PROGRAM SUPPORT</p> <p>The Committee has included \$176,112,000 for Program Support. Of the amounts provided for Pribilof Island Cleanup, \$1,500,000 is for assistance authorized under the Section 206(b) of the Fur Seal Act of 1966 (16 USC 1166(b)), and \$4,000,000 is to carry out Section 3 of Public Law 104 91 (16 USC 1165 note).</p> <p>The University of Louisiana at Lafayette may occupy the presently vacant space in the National Oceanic and Atmospheric Administration facility in Lafayette, Louisiana, and conduct classroom teaching, scientific research and related activities on the premises at no expense to the University.</p>	<p>PROGRAM SUPPORT</p> <p>The Committee recommends an appropriation of \$162,925,000 for the NOAA program support functions. The recommendation is \$1,555,000 below the request.</p> <p>Corporate Services - The Committee does not recommend funding for a \$15,000,000 initiative to provide funding to historically black colleges and universities to train scientists. While the Committee believes that more women and minorities should be encouraged to seek careers in mathematics and sciences, funding for this purpose should be provided by the Department of Education, the National Academy of Sciences, or the National Science Foundation.</p> <p>[From: National Ocean Service: The Committee has provided bill language that allows the Secretary to proceed as he deems necessary to have NOAA occupy and operate its research facilities in Lafayette, Louisiana.]</p>	

<u>House Report for FY 2002 (107-139)</u>	<u>Senate Report for FY 2002 (107-42)</u>	<u>Conference Report for FY 2002</u>
<p>A number of Members of Congress and staff have raised the issue of the amount of time it takes for NOAA to process grant applications and provide funding to external granters. As a result, the Committee directs NOAA, through the Department of Commerce, to submit to the Committee an operating plan for expenditure of funds available to NOAA in fiscal year 2002, based on the Committee's distribution as shown in the accompanying table. In addition, the Committee directs NOAA to report to the Committee on a quarterly basis on the status of obligations against the Committee's distribution.</p>	<p>Office of Marine and Aviation Operations – The Committee recommends that \$62,000,000 for Acquisition of Data be transferred from the National Ocean Service, National Marine Fisheries Service, and Office of Oceanic and Atmospheric Research to NOAA's Office of Marine and Aviation Operations under the Marine Services line. The Committee recognizes this transfer of funds is necessary to enable further efficiencies in the use of both contracted and NOAA ships. Further, the Committee expects that this transfer of responsibility will result in no fewer days at sea for any NOAA program .</p>	

<u>House Report for FY 2002 (107-139)</u>	<u>Senate Report for FY 2002 (107-42)</u>	<u>Conference Report for FY 2002</u>
	<p>Of the \$15,185,000 provided in Aircraft Services, the Committee recommends that an additional \$1,000,000 be used to support the necessary overhaul of the P 3 aircraft. Prior to the obligation of funds, NOAA is directed to provide to the Committees on Appropriations an assessment of the condition of the aircraft, especially as it relates to corrosion, and the anticipated benefits from spending \$1,500,000 as it relates to aircraft performance and service life.</p> <p>The R/V RONALD H. BROWN, commissioned in 1997, is NOAA's premier deep ocean research vessel and the largest vessel in the NOAA fleet. Equipped with highly advanced instruments and sensors, the NOAA R/V RONALD H BROWN is unique in the world research fleet, built to support scientific studies worldwide that will increase our understanding of oceans and climate. The Committee notes that at a time that global warming and study of the role of the oceans in climate change has taken on increasing urgency, a substantial portion of the vessel's days at sea have been used to deploy and retrieve buoys in the Pacific rather than to support important atmospheric and oceanographic research in the Atlantic and elsewhere. While the Committee acknowledges the importance of maintaining these oceanographic buoys, other NOAA vessels or smaller charter vessels are more suitable to that mission. The Committee directs NOAA to plan for the R/V RONALD H. BROWN to spend no less than 139 days at sea in the Atlantic Ocean during fiscal year 2002 for oceanographic research opportunities lost in prior years.</p>	

<u>House Report for FY 2002 (107-139)</u>	<u>Senate Report for FY 2002 (107-42)</u>	<u>Conference Report for FY 2002</u>
	<p>The Committee recommendation provides \$19,020,000 for Fleet Planning and Maintenance. Of this amount, the Committee recommends \$7,200,000 for equipment to support NOAA's mapping and charting missions. Funds for this purpose are authorized under the Hydrographic Services Improvement Act of 1998, the National Marine Sanctuaries Amendments of 2000, and the Coral Reef Conservation Act of 2000.</p>	

<u>House Report for FY 2002 (107-139)</u>	<u>Senate Report for FY 2002 (107-42)</u>	<u>Conference Report for FY 2002</u>
<p>PROCUREMENT, ACQUISITION AND CONSTRUCTION The recommendation includes \$ 749,000,000 in fiscal year 2002 for this account, of which \$26,000,000 is under the conservation category. The revised budget structure includes a transfer of \$10,750,000 from the President's request for NESDIS under this account to NESDIS under the ORF account. The recommendation is \$67,603,000 above the current year and \$ 15,861,000 below the President's request. This account funds capital assets acquisition activities, including systems acquisition and continued construction. The following distribution reflects the activities funded within this account:</p>	<p>PROCUREMENT, ACQUISITION AND CONSTRUCTION The Committee recommendation provides \$939,610,000 for Procurement, Acquisition, and Construction. This amount includes \$3,200,000 in recoveries from prior years. The recommendation is \$174,749,000 above the request. The amount provided includes \$83,410,000 for programs in the conservation spending category. Some of the Committee recommendations displayed in the table above are described in more detail in the following paragraphs:</p>	

<u>House Report for FY 2002 (107-139)</u>	<u>Senate Report for FY 2002 (107-42)</u>	<u>Conference Report for FY 2002</u>
<p>National Estuarine Research Reserves – Of the amount provided, \$500,000 is for the Elkhorn Slough NERR and \$1,000,000 is for support of the Hackensack watershed project, for which the amount must be matched 3 to 1 by State and local partners.</p>	<p>National Ocean Service . The Committee recommendation includes \$5,000,000 for the Beaufort Laboratory for necessary repairs to existing facilities and to construct a joint laboratory, dock, and other facilities in collaboration with the Rachel Carson National Estuarine Research Reserve. The Committee recommends \$60,000,000 for the coastal and estuarine land conservation program . This program is funded under the conservation spending category. This new program will provide funds for matching grants to States, communities, and groups engaged in land conservation efforts that benefit coastal and estuarine areas. These funds will be used expressly to acquire lands or interests in lands that include significant conservation, recreation, ecological, historical or aesthetic values to further the goals of a federally approved Coastal Zone Management Program or a National Estuarine Research Reserve. Of the amount provided for this program in fiscal year 2002, the Committee recommends the following projects: \$10,000,000 for ACE Basin; \$6,000,000 for the Great Bay Partnership; \$1,250,000 for Mill River Harbor, CT; \$3,000,000 for Morris Island, SC; \$10,000,000 for Long Island, SC; \$370,000 for Old Woman Creek, OH; \$3,000,000 for Elkhorn Slough, CA; \$325,000 for Taskinas Creek, VA; \$1,000,000 for Hempstead Harbor, NY; \$1,100,000 for Tilamook Bay, OR; \$800,000 for Kitsap County, WA; \$370,000 is for Massachusetts Bay, Manchester, MA; \$875,000 for Lake Ontario, Parma, NY; \$2,000,000 for Maryland Coastal Bays, MD; \$3,000,000 for Hawaii Coastal Conservation; \$3,000,000 for Los Cerritos Wetlands, Long Beach, CA; \$350,000 for Carnes acquisition, Juneau Public Parks, Juneau, AK; and \$4,000,000 for Tongass National Forest coastal land acquisition</p>	

<u>House Report for FY 2002 (107-139)</u>	<u>Senate Report for FY 2002 (107-42)</u>	<u>Conference Report for FY 2002</u>
<p>Marine Sanctuaries Construction Account. Of the amounts provided, \$2,000,000 is for the Gray's Reef National Marine Reef Sanctuary, which must be matched 3 to 1 by State and local partners, and \$5,000,000 for the National Monitor Sanctuary's USS Monitor Center for planning, design, and engineering of the exhibits for the Center.</p> <p>National Weather Service The funding provided for the Advanced Weather Interactive Processing System (AWIPS) will complete the third year of a three-year effort to develop and deploy Build 5.0 software. Of the amounts provided for the next generation radar (NEXRAD), \$3,000,000 is included for the establishment of a weather forecast office at the National Space Science and Technology Center located at the University of Alabama at Huntsville, which shall be consistent in capabilities, functions, and mission with similarly constituted NWS offices.</p>	<p>.</p> <p>Program Support The Committee notes that the NOAA R/V FAIRWEATHER will conduct the vast majority of its research off the coast of Alaska, and has provided bill language to homeport the vessel in Ketchikan, Alaska. The Committee recommendation provides \$14,000,000 for a Small Waterplane Area Twin Hull vessel to be homeported in New Castle, NH. In addition, the Committee recommends \$6,000,000 to convert a T AGS vessel to be homeported in Charleston, SC.</p>	

<u>House Report for FY 2002 (107-139)</u>	<u>Senate Report for FY 2002 (107-42)</u>	<u>Conference Report for FY 2002</u>
<p>PACIFIC COASTAL SALMON RECOVERY FUND</p> <p>The recommendation includes \$110,000,000 under the conservation category for the Pacific Salmon Recovery Fund. This amount is \$20,000,000 above the request. In the fiscal year 2001 Act, language was included to authorize the appropriation of funds for fiscal years 2001, 2002, and 2003. The Committee has included bill language making fiscal year 2002 funds available subject to express authorization. In addition \$20,000,000 is included for the Northern and Southern Boundary funds, and \$5,000,000 for a direct payment to the State of Washington for the obligations of the 1999 Pacific Salmon Treaty.</p>	<p>PACIFIC COASTAL SALMON RECOVERY FUND</p> <p>The Committee recommends \$133,940,000 for Pacific Coastal Salmon conservation to be funded under the conservation category. Of this amount, \$70,000,000 is for the Pacific Coastal Salmon Recovery Fund. Of this amount, the Committee recommends \$20,600,000 for the State of Alaska, \$20,150,000 for the State of Washington, \$10,075,000 for the State of Oregon, \$10,075,000 for the State of California, and \$9,100,000 for the Tribes. Of the funds provided for the State of Alaska, \$500,000 is provided to study parasitic infection of chum salmon; \$2,000,000 is provided to restore the Chester Creek salmon run; \$5,000,000 is provided for an interagency, multi-disciplinary research effort to determine the causes of the decline of salmon species in Alaska; \$800,000 is provided for hatchery operations; \$200,000 is provided to restore the King Salmon runs in Craig, Alaska; \$250,000 is provided to enable the State of Alaska to participate in discussions regarding the Columbia River hydrosystem management; and \$750,000 is provided to the Pacific States Marine Fisheries Commission to prevent the escapement of Atlantic salmon from Alaska streams and address other invasive species issues.</p>	

<u>House Report for FY 2002 (107-139)</u>	<u>Senate Report for FY 2002 (107-42)</u>	<u>Conference Report for FY 2002</u>
	<p>Of the amounts provided for the State of Washington, \$1,000,000 is for Washington State University and the University of Idaho for the Salmon Restoration Partnership, and \$4,000,000 is for the Washington State Department of Natural Resources and other State and Federal agencies for purposes of implementing the State of Washington's Forest and Fish Report. The monies shall be spent in accordance with the terms and conditions of the Forest and Fish Report and consistent with the requirements of the Endangered Species Act and Clean Water Act. Of the amount provided to the State of Oregon, \$1,000,000 is for culvert replacement and rehabilitation in Clakamas County, Oregon to help meet Federal Endangered Species Act mandates, and \$1,000,000 is to address natural threats to the southern Oregon/northern California coho salmon in the Klamath River.</p>	

<u>House Report for FY 2002 (107-139)</u>	<u>Senate Report for FY 2002 (107-42)</u>	<u>Conference Report for FY 2002</u>
<p>COASTAL ZONE MANAGEMENT FUND</p> <p>The Committee has included language in the bill, identical to that included in the request, which makes \$3,000,000 in the Coastal Zone Management Fund available for transfer to the Operations, Research, and Facilities account.</p>	<p>COASTAL ZONE MANAGEMENT FUND</p> <p>This fund consists of loan repayments arising from the former Coastal Energy Impact Program which are transferred to the "Operations, research, and facilities" account for program grants. The Committee recommendation includes \$3,000,000 from the coastal zone management [CZM] fund for CZM program management and other purposes authorized by section 308 of the Coastal Zone Management Act.</p>	

<u>House Report for FY 2002 (107-139)</u>	<u>Senate Report for FY 2002 (107-42)</u>	<u>Conference Report for FY 2002</u>
<p>FISHERMEN'S CONTINGENCY FUND</p> <p>The Committee recommends \$9 52,000 for the Fishermen's Contingency Fund, the full amount requested and \$2,000 above the current year. The Fishermen's Contingency Fund provides compensation to U.S. fishermen for damage or loss of fishing gear and any resulting loss because of natural or manmade obstructions related to oil and gas exploration, development, and production on the Outer Continental Shelf.</p>	<p>FISHERMEN'S CONTINGENCY FUND</p> <p>The Committee recommends an appropriation of \$952,000 for the fishermen's contingency fund. The fishermen's contingency fund provides compensation to U.S. fishermen for damage or loss of fishing gear and any resulting loss because of natural or man-made obstructions related to oil and gas exploration, development, and production on the Outer Continental Shelf. The Secretary of Commerce is authorized to establish an area account within the fund for any area within the Outer Continental Shelf. A holder of a lease, permit, easement, or right-o f-way in such area is required to pay a fee into the appropriate area account in the fund. Each area account, if depleted, will be replenished by assessment. The authorization stipulates that amounts available in each area account can be disbursed only to the extent provided by appropriations acts. Since receipts collected may not be sufficient for this appropriation, the Committee has included language which provides that the sums necessary to eliminate the insufficiency may be derived from the general fund of the Treasury.</p>	

<u>House Report for FY 2002 (107-139)</u>	<u>Senate Report for FY 2002 (107-42)</u>	<u>Conference Report for FY 2002</u>
<p>FOREIGN FISHING OBSERVER FUND</p> <p>The Committee recommends \$1 91,000 for the Foreign Fishing Observer Fund for fiscal year 2002, an amount equal to the current year level and the request. Fees paid into the Fund are collected from owners and operators of certain foreign fishing vessels that fish within the United States Fishery Conservation Zone, and are intended to be used by the Secretary of Commerce to finance the cost of placing United States observers aboard such fishing vessels.</p>	<p>FOREIGN FISHING OBSERVER FUND</p> <p>The Committee recommends an appropriation of \$191,000 for the foreign fishing observer fund. Fees paid into the fund are collected from owners and operators of certain foreign fishing vessels that fish within the U.S. fishery conservation zone. The fund supports salaries of U.S. observers and program support personnel, other administrative costs, and the cost of data management and analysis.</p>	

<u>House Report for FY 2002 (107-139)</u>	<u>Senate Report for FY 2002 (107-42)</u>	<u>Conference Report for FY 2002</u>
<p>FISHERIES FINANCE PROGRAM ACCOUNT</p> <p>The Committee recommends \$287,000 in subsidy amounts for the Fisheries Finance Program account, the same amount as in the request and in the current year.</p>	<p>FISHERIES FINANCE PROGRAM ACCOUNT</p> <p>The Committee recommends an appropriation of \$287,000 for the fisheries finance program account. Of the funds provided, \$100,000 is for entry level and small vessel individual fishery quota (IFQ) obligation guarantees in the halibut and sablefish fisheries off Alaska pursuant to section 1104A(a)(7) of the Merchant Marine Act of 1936. These funds are provided for IFQ loans in accordance with section 303(d)(4) of the Magnuson-Stevens Act and section 108(g) of the Sustainable Fisheries Act.</p>	

<u>House Report for FY 2002 (107-139)</u>	<u>Senate Report for FY 2002 (107-42)</u>	<u>Conference Report for FY 2002</u>
<p>DEPARTMENTAL MANAGEMENT</p> <p>Salaries and Expenses</p> <p>The Committee recommends \$37,843,000 for the Commerce Department's Salaries and Expenses appropriation for fiscal year 2001, \$2,002,000 over the current year and \$191,000 above the budget request.</p>	<p>DEPARTMENTAL MANAGEMENT</p> <p>Salaries and Expenses</p> <p>The Committee recommends an appropriation of \$42,062,000 for Departmental Management. The recommendation is \$4,410,000 above the budget request. The Committee recommendation provides \$750,000 for the National Academy of Sciences to conduct a study on the nature of global intellectual property counterfeiting and piracy. The purpose of the study is to develop effective, long-term strategies for addressing these threats to U.S. economic strength. The Department of Commerce will, in conjunction with the Department of Justice and not later than 1 month after enactment of this Act, grant this award to the National Academy of Sciences. The study will be completed by September 30, 2002. The Department of Commerce, the Department of Justice and other agencies shall fully cooperate with and provide necessary information to assess the current situation related to Intellectual Property theft.</p>	

<u>House Report for FY 2002 (107-139)</u>	<u>Senate Report for FY 2002 (107-42)</u>	<u>Conference Report for FY 2002</u>
	<p>The Committee is concerned by the uncontrolled growth and lack of Congressional oversight of the Working Capital Fund [``the Fund"]. The Committee believes that the Department's use of bureau program funds which are appropriated for program purposes should be scrutinized through reprogramming procedures. In addition, the Committee is concerned by the Department's use of appropriated bureau program funds to finance new Departmental initiatives. It is the Committee's intent that all programs and activities financed through the Fund and all changes and increases to the Fund shall require the advance approval of the Committee under the provisions of Section 605. Consequently the Department will submit a request for reprogramming before any funds may be obligated to or from the Fund.</p> <p>The Committee has, over the past 6 months, engaged in discussions with Department of Commerce officials regarding the need for Departmental Fund reforms. As an outcome of these discussions and the information provided by the Department of Commerce at the Committee's request, the Committee has developed directives which should be included in the Department's request for reprogramming. They are outlined in the following paragraphs.</p>	

<u>House Report for FY 2002 (107-139)</u>	<u>Senate Report for FY 2002 (107-42)</u>	<u>Conference Report for FY 2002</u>
<p>Further, the General Accounting Office has raised concerns that the Commerce Administrative Management System (CAMS) does not meet core financial requirements to timely produce a usable accounts payable list and does not have archiving capabilities. The Committee directs the Department of Commerce to review these concerns and provide a report on the findings to the Committee no later than August 30, 2001.</p>	<p>The Committee has included bill language that caps the Fund at a level of \$117,000,000 and 700 Full-Time Equivalents [FTE]. Included is language capping funding for the Commerce Administrative Management Systems [CAMS] or CAMS-related products at \$40,000,000. No more than \$15,000,000 for CAMS will be assessed to NOAA. Any reductions necessary to be taken to operate the Fund at the fiscal year 2002 authorized level of \$117,000,000 will be based upon the numbers of FTE of the Fund service providers, beginning with those service providers which operate with the largest number of FTEs and funds. At a minimum, reductions will be taken from the three largest Fund accounts and service providers as reported in the fiscal year 2002 Congressional Budget submission for Departmental Management. These service providers are the Office of Administrative Services, the Office of General Counsel and the Office of Security. The Office of Human Resources Management, Human Resources Services project and or its equivalent(s) will be reduced by at least \$1,386,000.</p>	

<u>House Report for FY 2002 (107-139)</u>	<u>Senate Report for FY 2002 (107-42)</u>	<u>Conference Report for FY 2002</u>
	<p>The Office of Management and Organization Support, Office of Budget Forms and Tracking System, Office of Human Resources Management Payroll Demonstration Project, Office of Human Resources Management Employee Diversity and Classification or their equivalents will be eliminated from the Fund .</p> <p>The Office of Human Resources Decennial Census and the Office of Civil Rights Census 2000 and or their equivalents will be eliminated from the Fund and may be billed through the Advances and Reimbursements Account [``A and R" account].</p> <p>Further, the Committee notes that certain A and R projects have become permanent activities carried out by the Office of the Secretary, and, therefore, should be funded through, and subject to the scrutiny of the Appropriations process. As such, External Affairs, White House Liaison, Executive Support, Cultural Awareness, and Commerce, Government Performance and Results Act project, will be eliminated from the A and R account and the activities funded by these projects shall not be charged or billed to the Department's bureaus The Committee has recommended a total amount of \$3,660,000 in the Departmental Management appropriation to fund these activities. This amount is commensurate with the level of funding planned for payment by the bureaus to these activities.</p>	

<u>House Report for FY 2002 (107-139)</u>	<u>Senate Report for FY 2002 (107-42)</u>	<u>Conference Report for FY 2002</u>
	<p>Electronic Commerce, Regional Economic Growth, Class Action Suit, Diversity Employment Plan, MSI Financial Assistance and Grant Promotion Activities, MSI Conferences, Executive Assistance Management Information Technology Activities, Pioneer Fund, COMMITS, Executive Direction Support, Celebrate Department of Commerce, and Telecommuting will not be funded out of the A and R account.</p> <p>The USA Trade Center, Ronald Reagan Building and International Trade Center project will be eliminated from the Departmental A and R account and responsibility for administering the project activities shall be transferred to the International Trade Administration.</p> <p>In future budget submissions, the Department will submit and display the A and R project listing and the Fund project listings and associated dollar and FTE requests as part of the Congressional budget request. The Committee directs that the Department ensure that WCF budget estimates for upcoming fiscal year be provided to bureau clients no later than October 1 each fiscal year.</p>	

<u>House Report for FY 2002 (107-139)</u>	<u>Senate Report for FY 2002 (107-42)</u>	<u>Conference Report for FY 2002</u>
<p>The Committee directs the Department of Commerce to provide quarterly reports on obligations of the National Oceanic and Atmospheric Administration, the Patent and Trademark Office, and the Bureau of the Census. The Department is directed to consult with the Committee prior to submitting the first report, covering the first quarter of fiscal year 2002.</p> <p>The recommendation retains language, proposed for modification, regarding reception and representation. This appropriation provides for the Office of the Secretary and for staff offices of the Department that assist in the formulation of policy, management, and administration.</p> <p>Office Relocations. The Committee continues its direction for the Department to submit quarterly reports providing details of all office moves, openings, reductions and closings, which will be considered as reprogrammings under section 605 of the Act.</p>		

<u>House Report for FY 2002 (107-139)</u>	<u>Senate Report for FY 2002 (107-42)</u>	<u>Conference Report for FY 2002</u>
<p>OFFICE OF INSPECTOR GENERAL</p> <p>The Committee recommends \$21,176,000 for the Commerce Department's Office of Inspector General for fiscal year 2002. This amount is the same as the request and \$1,220,000 above the current year level.</p>	<p>OFFICE OF INSPECTOR GENERAL</p> <p>The Committee recommends an appropriation of \$21,176,000 for the Commerce Department's Office of the Inspector General. The recommendation is identical to the budget request.</p>	

<u>House Report for FY 2002 (107-139)</u>	<u>Senate Report for FY 2002 (107-42)</u>	<u>Conference Report for FY 2002</u>
<p>GENERAL PROVISIONS--DEPARTMENT OF COMMERCE</p> <p>The Committee has included the following General Provisions for the Department of Commerce that were included in the fiscal year 2001 Appropriations Act:</p> <p>Section 201 makes Commerce Department funds in the bill available for advanced payments only upon certification of officials designated by the Secretary that such payments are considered to be in the public interest.</p> <p>Section 202 makes appropriations for the Department in the bill for salaries and expenses available for hire of passenger motor vehicles and for services, uniforms and allowances as authorized by law.</p> <p>Section 203 prohibits any of the funds in the bill to be used to support hurricane reconnaissance aircraft and activities that are under the control of the United States Air Force or the United States Air Force Reserve.</p> <p>Section 204 provides the authority to transfer funds between Department of Commerce appropriation accounts. The language provides that no account may be decreased by more than 5 percent or increased by more than 10 percent. The language also makes the transfers subject to the Committee's standard reprogramming procedures.</p>	<p>GENERAL PROVISIONS-- DEPARTMENT OF COMMERCE</p> <p>The Committee includes the following general provisions for the Department of Commerce that were included in the fiscal year 2001 appropriations act. Sections 201 through 208 are continuations of language included in previous appropriations acts.</p> <p>Section 201 makes Commerce Department funds available for advanced payments only upon certification of officials designated by the Secretary that such payments are considered to be in the public interest.</p> <p>Section 202 makes appropriations for salaries and expenses available for the hire of passenger motor vehicles, and for services, uniforms, and allowances as authorized by law.</p> <p>Section 203 prohibits any funds to be used to support hurricane reconnaissance aircraft and activities that are under the control of the U.S. Air Force or the U.S. Air Force Reserve.</p> <p>Section 204 provides the authority to transfer funds between Department of Commerce accounts. The language provides that no account may be decreased by more than 5 percent or increased by more than 10 percent. The language also makes the transfers subject to the Committee's standard reprogramming procedures.</p>	

<u>House Report for FY 2002 (107-139)</u>	<u>Senate Report for FY 2002 (107-42)</u>	<u>Conference Report for FY 2002</u>
<p>Section 205 provides that any costs incurred by the Department in response to funding reductions shall be absorbed within the total budgetary resources available to the Department and shall not be subject to the reprogramming limitations in this Act.</p> <p>Section 206, allows the Secretary to award contracts for certain mapping and charting activities in accordance with the Federal Property and Administrative Services Act.</p> <p>Section 207 allows the Department of Commerce franchise fund to retain a percentage of earnings from services provided for capital investments.</p>	<p>Section 205 allows the Secretary to award contracts for certain mapping and charting activities in accordance with the Federal Property and Administrative Services Act.</p> <p>Section 206 allows the Department of Commerce franchise fund to retain a percentage of earnings from services provided for capital investments.</p> <p>Section 207 permits the Department of Commerce franchise fund to retain a percentage of earnings from services provided for capital investments.</p> <p>Section 208 provides funding for three grants and a cooperative agreement.</p> <p>Section 209 makes administrative changes to the Department of Commerce, Working Capital Fund and Advances and Reimbursements account.</p>	

<u>House Report for FY 2002 (107-139)</u>	<u>Senate Report for FY 2002 (107-42)</u>	<u>Conference Report for FY 2002</u>
<p>TITLE IV--DEPARTMENT OF STATE AND RELATED AGENCY</p> <p>DEPARTMENT OF STATE</p>	<p>TITLE IV-DEPARTMENT OF STATE AND RELATED AGENCY</p> <p>DEPARTMENT OF STATE</p> <p>International conservation of sea turtles - The Committee is concerned with the increasing threat to sea turtles, particularly those listed under the Convention on International Trade on Endangered Species of Wild Fauna and Flora [CITES], from incidental capture by foreign fleets, particularly in the longline fishery. The Secretary of State shall, on an expedited basis, negotiate strong, enforceable management, reporting, and data collection measures (including economic measures) focused on reducing incidental capture of sea turtles in commercial fisheries under regional management agreements for living marine resources, including the Inter-American Sea Turtle Conservation Treaty, the Inter-American Tropical Tuna Convention, the International Convention for the Conservation of Atlantic Tunas, and the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (the Multilateral High Level Conference). In addition, the Committee urges the Secretary to develop a trans-Pacific international turtle conservation agreement to include Pacific island and Pacific rim nations.</p>	

<u>House Report for FY 2002 (107-139)</u>	<u>Senate Report for FY 2002 (107-42)</u>	<u>Conference Report for FY 2002</u>
	<p>In particular, the Committee urges the Secretary to work with the Secretary of Commerce under Magnuson-Stevens Act Section 202(h), which calls for the Secretary of State, in cooperation with the Secretary of Commerce, to seek international agreements to establish standards and measures for bycatch reduction that are comparable to U.S. standards. In fiscal year 2002 these efforts should focus on longline fishing. In furtherance of this goal, the Secretary of State and Secretary of Commerce, through the National Marine Fisheries Service, shall work with other nations and industry, including the Asia-Pacific Economic Cooperation Forum, to develop alternative fishing technologies and practices designed to reduce incidental capture mortality of sea turtles, particularly in the international longline fleet. The Secretaries are urged to convene preparatory meetings on gear development, particularly in the Pacific region, prior to the technical workshop scheduled for 2002 to ensure that agreement on alternative gear research and data sharing, including timetables for specific action, can be concluded at this workshop. The State Department and Commerce Department shall report back on the status of these efforts within 90 days of enactment.</p>	

<u>House Report for FY 2002 (107-139)</u>	<u>Senate Report for FY 2002 (107-42)</u>	<u>Conference Report for FY 2002</u>
	<p>Pacific salmon treaty implementation - The Committee has provided \$45,419,000 to implement the 1999 Pacific Salmon Treaty Agreement. Of this amount, \$20,000,000 is for further capitalizing the Northern Boundary Fund, \$20,000,000 is for further capitalizing the Southern Boundary Fund, and \$5,419,000 is for the State of Washington for obligations pursuant to the 1999 Agreement.</p> <p>The Committee is concerned that National Marine Fisheries Service (NMFS) continues to consider further harvest restrictions in Alaska in its efforts to recover some stocks of Pacific salmon. The Committee believes Alaska has made sufficient harvest reductions under the Treaty, and that any further recovery efforts should address other impacts to listed stocks.</p> <p>Out of funds provided for this purpose, NMFS should continue to work with the State of Alaska in monitoring the effects of the decline of Pacific Northwest-origin salmon on the harvest off Alaska of Alaska-origin salmon.</p>	

<u>House Report for FY 2002 (107-139)</u>	<u>Senate Report for FY 2002 (107-42)</u>	<u>Conference Report for FY 2002</u>
<p>INTERNATIONAL COMMISSIONS INTERNATIONAL FISHERIES COMMISSIONS</p> <p>The Committee recommends a total of \$19,780,000 to fund the U.S. share of the expenses of twelve international fisheries commissions or related organizations, as well as the travel expenses of the United States commissioners. This amount is \$431,000 above the amount available in fiscal year 2001 and the same as the budget request.</p>	<p>INTERNATIONAL FISHERIES COMMISSIONS</p> <p>This account funds the U.S. share of the expenses of international fisheries commissions; participation in the International Council for the Exploration of the Sea; participation in the North Pacific Marine Sciences Organization; travel expenses of the U.S. commissioners and their advisors; and salaries of non-Government employees of the Pacific Salmon Commission for days actually worked as commissioners and panel members and alternates.</p> <p>The Committee recommends an appropriation of \$20,780,000. The recommendation is \$1,000,000 above the budget request. The Committee recommendations, by commission, organization, or council, are displayed in the following table:</p> <p>The Committee expects to be consulted prior to any deviation from the above plan for fiscal year 2002.</p> <p>Of the amount provided for the Great Lakes Fishery Commission [GLFC], not less than \$300,000 shall be used to treat Lake Champlain with lampricide and lampricide alternative. The GLFC is directed to give priority to States that have provided matching grants when distributing lampricide funds.</p>	

<u>House Report for FY 2002 (107-139)</u>	<u>Senate Report for FY 2002 (107-42)</u>	<u>Conference Report for FY 2002</u>
<p>COMMISSION ON OCEAN POLICY</p> <p>SALARIES AND EXPENSES</p> <p>The Committee does not include requested language regarding reporting requirements. No funding was requested or recommended for this account.</p> <p>MARINE MAMMAL COMMISSION</p> <p>SALARIES AND EXPENSES</p> <p>The Committee recommends \$1,732,000 for the Marine Mammal Commission for fiscal year 2002. The recommendation is the same amount as the request and \$36,000 above the current year level. The Committee recommendation provides for continuation of research on the impacts of sea ice and other environmental changes on Arctic marine resources and the Alaska Natives that depend upon them; for continuation of studies to further protect the Florida manatee; and for research stemming from the Commission's contaminants research project.</p>	<p>COMMISSION ON OCEAN POLICY</p> <p>The Committee recommends an appropriation of \$2,500,000 for the Commission on Ocean Policy. Legislation directing the President to establish a Commission on Ocean Policy, as the successor to the objective, science-based 1966 Stratton Commission passed during the 106th Congress. To date \$4,500,000 has been appropriated for the Commission.</p> <p>MARINE MAMMAL COMMISSION</p> <p>SALARIES AND EXPENSES</p> <p>The recommendation provides \$1,957,000 for the Marine Mammal Commission in fiscal year 2002. The recommendation is \$225,000 above the budget request.</p> <p>The Committee recommendation provides \$225,000 for the workshop described in a proposal submitted to Congress on April 20, 2001.</p>	

<u>House Report for FY 2002 (107-139)</u>	<u>Senate Report for FY 2002 (107-42)</u>	<u>Conference Report for FY 2002</u>
<p>TITLE V--RELATED AGENCIES</p> <p>DEPARTMENT OF TRANSPORTATION</p> <p>SHIP DISPOSAL</p> <p>The Committee recommendation includes \$10,000,000 for expenses related to the disposal of obsolete vessels in the National Defense Reserve Fleet (NDRF), the same amount as requested. The Committee is aware of the need to reduce the current inventory of 115 vessels in the NDRF awaiting disposal. The Committee directs MARAD to submit a plan for the expenditure of resources under this account by November 15, 2001, in accordance with the procedures outlined in section 605 of this Act. The budget request indicated that this funding would allow MARAD to scrap at least three vessels. The Committee urges MARAD to consider every feasible alternative for the use of fiscal year 2002 funding in order to accelerate the disposal rate of these vessels, particularly those which pose the greatest environmental risk. The spending plan shall include: a multi-year plan for reducing the inventory based on level funding; a plan to reduce the average scrapping cost; the methodology used to prioritize disposal based on environmental risk management; a target number of vessels to be disposed of by means other than scrapping; and a plan to expedite the sale of vessels that meet environmental requirements.</p>		

<u>House Report for FY 2002 (107-139)</u>	<u>Senate Report for FY 2002 (107-42)</u>	<u>Conference Report for FY 2002</u>
<p>TITLE VI--GENERAL PROVISIONS</p> <p>Section 605 provides for the Committee's policy concerning the reprogramming of funds. Section 605(a) prohibits the reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates offices or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any function or activity presently performed by Federal employees unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance. Section 605(b) prohibits a reprogramming of funds in excess of \$500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings due to a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance. The Committee has again included carryover funds under the requirements of section 605 to clarify that agencies must follow reprogramming procedures with respect to carryover funds.</p>	<p>TITLE VI- GENERAL PROVISIONS</p>	

<u>House Report for FY 2002 (107-139)</u>	<u>Senate Report for FY 2002 (107-42)</u>	<u>Conference Report for FY 2002</u>
<p>Section 606 prohibits funds in the Act from being used for construction, repair (other than emergency repair), overhaul, conversion, or modernization of vessels for the National Oceanic and Atmospheric Administration in shipyards located outside the United States.</p> <p>Section 612 includes language prohibiting the use of funds under the NOAA Fleet Modernization, Shipbuilding and Conversion account to implement sections 603, 604, and 605 of Public Law 102-567, except for development of a modernization plan for fisheries research.</p> <p>HOUSE OF REPRESENTATIVES REPORT REQUIREMENTS</p> <p>CHANGES IN THE APPLICATION OF EXISTING LAW</p> <p>Those additional changes in the fiscal year 2002 bill, which might be interpreted as changing existing law, are as follows:</p>	<p>Section 607 prohibits construction, repair, overhaul, conversion, or modernization of NOAA ships outside of the United States.</p> <p>Section 622 extends current law for an additional 5 years. The Pacific Coast States will be allowed to manage Dungeness crab out to 200 nautical miles until a Fisheries Management Plan is in place.</p>	

<u>House Report for FY 2002 (107-139)</u>	<u>Senate Report for FY 2002 (107-42)</u>	<u>Conference Report for FY 2002</u>
<p>Under National Oceanic and Atmospheric Administration, Operations, Research, and Facilities, Procurement, Acquisition, and Construction, and the Pacific Salmon Recovery Fund accounts, language is included designating amounts and activities for the conservation spending category.</p> <p>Under National Oceanic and Atmospheric Administration, Operations, Research, and Facilities account, the bill includes language requiring standard reprogramming notification for the use of unanticipated deobligations.</p> <p>* * * * *</p> <p>TRANSFER OF FUNDS</p> <p>Pursuant to clause 3(f)(2) of rule XII of the Rules of the House of Representatives, language included under ``National Oceanic and Atmospheric Administration, Operations, Research and Facilities" and ``National Oceanic and Atmospheric Administration, Procurement, Acquisition and Construction" provides certain transfer authority.</p> <p>Section 612 includes language prohibiting the use of funds under the NOAA Fleet Modernization, Shipbuilding and Conversion account to implement sections 603, 604, and 605 of Public Law 102 567, except for development of a modernization plan for fisheries research.</p>		

<u>House Report for FY 2002 (107-152)</u>	<u>Senate Report for FY 2002 (TBD)</u>	<u>Conference Report for FY 2002</u>
<p>House Rpt. 107-152 - TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 2002</p> <p>TITLE IV--INDEPENDENT AGENCIES</p> <p>GENERAL SERVICES ADMINISTRATION</p> <p>National Center for Environmental Prediction The Committee includes \$3,000,000, subject to authorization by the Committee on Transportation and Infrastructure, to begin the site design and acquisition or lease acquisition of a replacement facility for the National Center for Environmental Prediction currently located in Camp Springs, MD. The General Services Administration is directed to follow the findings and conclusions in its site selection analysis to identify a location for this facility.</p>		

<u>House Report for FY 2002 (107-152)</u>	<u>Senate Report for FY 2002 (TBD)</u>	<u>Conference Report for FY 2002</u>
<p>Census Facilities, Suitland, Maryland The Committee has included \$2,813,000 for Census Bureau facilities in Suitland, Maryland, within the construction and acquisition activity. These funds, together with the requested reprogramming of \$5,200,000 from the repairs and alterations activity hereby approved, are sufficient to design one new building for the Census Bureau at Suitland. The House Committee on Appropriations understands that the Committee on Transportation and Infrastructure is on the verge of authorizing \$16,200,000 for the design of two buildings for the Census Bureau at Suitland and that the establishment of two buildings for the Census is now the preferred alternative. The House Committee on Appropriations is also aware of discussions and negotiations between GSA and Census in support of the project. The Committee anticipates that the Agencies involved will be able to resolve how funding might be allocated to enable the design work to proceed on both buildings.</p>		

<u>House Report for FY 2002 (107-152)</u>	<u>Senate Report for FY 2002 (TBD)</u>	<u>Conference Report for FY 2002</u>
<p>National Oceanic and Atmospheric Administration The Committee directs GSA to work closely with the National Oceanic and Atmospheric Administration, the University of Oklahoma, and all other interested parties regarding the much-needed new facilities for NOAA's National Serve Storm Laboratory and Storm Prediction Center, for which design funds were appropriated in the last Congress. Due to the intended co-location of the NOAA facility with related programs at the university, GSA is particularly directed to help identify the necessary costs that are beyond those of standard-design federal offices. telecommuting/telework</p> <p>Hurricane Threats in the Southeast The Committee is concerned about the risks to federal buildings in the southeastern United States from damaging hurricanes. The Committee has provided \$450,000 for a study to assess the risk of hurricane damage to federal buildings in the southeast, to ascertain what pre-disaster hurricane mitigation strategies are most appropriate, to quantitatively characterize the current mitigation strategy costs and benefits, and to determine the extent to which additional measures should be taken as well as associated implementation costs. The study is to be submitted to the House Committee on Appropriations six months after the enactment of this Act.</p>		

<u>House Appropriations Act FY 2002 (HR 2500)</u>	<u>Senate Appropriations Act FY 2002 (S 1215)</u>	<u>Conference Report for FY 2002</u>
<p>H. R. 2500</p> <p>TITLE II--DEPARTMENT OF COMMERCE AND RELATED AGENCIES</p> <p>National Oceanic and Atmospheric Administration</p> <p>OPERATIONS, RESEARCH, AND FACILITIES (INCLUDING TRANSFER OF FUNDS)</p> <p>For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities as authorized by 33 U.S.C. 883i, \$2,197,298,000, to remain available until expended: Provided, That fees and donations received by the National Ocean Service for the management of the national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: Provided further, That, in addition, \$68,000,000 shall be derived by transfer from the fund entitled 'Promote and Develop Fishery Products and Research Pertaining to American Fisheries': Provided further, That grants to States pursuant to sections 306 and 306A of the Coastal Zone Management Act of 1972, as amended, shall not exceed \$2,000,000:</p>	<p>S 1215 PCS</p> <p>TITLE II--DEPARTMENT OF COMMERCE AND RELATED AGENCIES</p> <p>National Oceanic and Atmospheric Administration</p> <p>OPERATIONS, RESEARCH AND FACILITIES (INCLUDING TRANSFERS OF FUNDS)</p> <p>For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities as authorized by 33 U.S.C. 883i, \$2,267,705,000, to remain available until expended: Provided, That fees and donations received by the National Ocean Service for the management of the national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: Provided further, That in addition, \$68,000,000 shall be derived by transfer from the fund entitled 'Promote and Develop Fishery Products and Research Pertaining to American Fisheries': Provided further, That in addition, not to exceed \$3,000,000 shall be derived by transfer from the fund entitled 'Coastal Zone Management':</p>	

<u>House Appropriations Act FY 2002 (HR 2500)</u>	<u>Senate Appropriations Act FY 2002 (S 1215)</u>	<u>Conference Report for FY 2002</u>
<p>Provided further, That, of the \$2,220,298,000 provided for in direct obligations under this heading (of which \$2,197,298,000 is appropriated from the General Fund, \$71,000,000 is provided by transfer, and \$17,000,000 is derived from deobligations from prior years), \$375,609,000 shall be for the National Ocean Service, \$542,121,000 shall be for the National Marine Fisheries Service, \$317,483,000 shall be for Oceanic and Atmospheric Research, \$659,349,000 shall be for the National Weather Service, \$149,624,000 shall be for the National Environmental Satellite, Data, and Information Service, and \$176,112,000 shall be for Program Support: Provided further, That, hereafter, ocean assessment, coastal ocean, protected resources, and habitat conservation activities under this heading shall be considered to be within the 'Coastal Assistance sub-category' in section 250(c)(4)(K) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That, of the amount provided under this heading, \$304,000,000 shall be for the conservation activities defined in section 250(c)(4)(K) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended:</p>	<p>Provided further, That of the amounts made available to the National Marine Fisheries Service, not less than \$29,000,000 shall be for Alaskan Steller sea lion research: Provided further, That grants to States pursuant to sections 306 and 306A of the Coastal Zone Management Act of 1972, as amended, shall not exceed \$2,000,000: Provided further, That of the amount provided under this heading, for expenses necessary to carry out 'NOAA Operations, Research and Facilities sub-category' in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, \$33,650,000 to remain available until expended, for the purposes of discretionary spending limits: Provided further, That not to exceed \$54,255,000 shall be expended for Executive Direction and Administration, which consists of the Offices of the Undersecretary, the Executive Secretariat, Policy and Strategic Planning, International Affairs, Legislative Affairs, Public Affairs, Sustainable Development, the Chief Scientist, and the General Counsel: Provided further, That the aforementioned offices, excluding the Office of the General Counsel, shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or nonreimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis above the level of 42 personnel:</p>	

<u>House Appropriations Act FY 2002 (HR 2500)</u>	<u>Senate Appropriations Act FY 2002 (S 1215)</u>	<u>Conference Report for FY 2002</u>
<p>Provided further, That no general administrative charge shall be applied against an assigned activity included in this Act and, further, that any direct administrative expenses applied against an assigned activity shall be limited to 5 percent of the funds provided for that assigned activity so that total National Oceanic and Atmospheric Administration administrative expenses shall not exceed \$257,200,000: Provided further, That any use of deobligated balances of funds provided under this heading in previous years shall be subject to the procedures set forth in section 605 of this Act: Provided further, That, in addition, not to exceed \$3,000,000 shall be derived by transfer from the fund entitled 'Coastal Zone Management'.</p> <p>In addition, for necessary retired pay expenses under the Retired Serviceman's Family Protection and Survivor Benefits Plan, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), such sums as may be necessary.</p>	<p>Provided further, That of the amount provided to the National Marine Fisheries Service, a total of \$6,000,000 shall be provided to the National Oceanic and Atmospheric Administration Office of General Counsel: Provided further, That the National Marine Fisheries Service shall be obligated for payment of all fisheries-related reimbursable work performed by the National Oceanic and Atmospheric Administration Office of General Counsel: Provided further, That the Secretary may proceed as he deems necessary to have the National Oceanic and Atmospheric Administration occupy and operate its research facilities which are located at Lafayette, Louisiana: Provided further, That the R/V FAIRWEATHER shall be homeported in Ketchikan, Alaska: Provided further, That no general administrative charge shall be applied against an assigned activity included in this Act and, further, that any direct administrative expenses applied against an assigned activity shall be limited to 5 percent of the funds provided for that assigned activity: Provided further, That any use of deobligated balances of funds provided under this heading in previous years shall be subject to the procedures set forth in section 605 of this Act.</p> <p>In addition, for necessary retired pay expenses under the Retired Serviceman's Family Protection and Survivor Benefits Plan, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), such sums as may be necessary.</p>	

<u>House Appropriations Act FY 2002 (HR 2500)</u>	<u>Senate Appropriations Act FY 2002 (S 1215)</u>	<u>Conference Report for FY 2002</u>
	<p>In addition, there is hereby established the Business Management Fund of the National Oceanic and Atmospheric Administration, which shall be available without fiscal year limitation for expense and equipment necessary for the maintenance and operations of such services and projects as the Administrator of the National Oceanic and Atmospheric Administration determines may be performed more advantageously when centralized: Provided, That such central services shall, to the fullest extent practicable, be used to make unnecessary the maintenance of separate like services in the divisions and offices of the National Oceanic and Atmospheric Administration: Provided further, That a separate schedule of expenditures and reimbursements, and a statement of the current assets and liabilities of the Business Management Fund as of the close of the completed fiscal year, shall be prepared each year and submitted to Congress: Provided further, That notwithstanding 31 U.S.C. 3302, the Business Management Fund may be credited with advances and reimbursements from applicable appropriations of the National Oceanic and Atmospheric Administration and from funds of other agencies or entities for services furnished pursuant to law: Provided further, That any inventories, equipment, systems, real property and other assets over \$25,000, pertaining to the services to be provided by such funds, either on hand or on order, less the related liabilities or unpaid obligations, and any appropriations made hereafter for the purpose of providing capital, shall be used to capitalize the Business Management Fund:</p>	

<u>House Appropriations Act FY 2002 (HR 2500)</u>	<u>Senate Appropriations Act FY 2002 (S 1215)</u>	<u>Conference Report for FY 2002</u>
	<p>Provided further, That the National Oceanic and Atmospheric Administration Business Management Fund shall be authorized to create an initial cash corpus of \$5,000,000 from deobligations and continued funding as may be or become available from deobligations: Provided further, That the Business Management Fund shall provide for centralized services at rates which return in full all expenses of operation and services, including depreciation or full overhead costs of fund plant and equipment, plus an amount equal to projected inflation, amortization of automated data processing software and hardware systems, and an amount not to exceed four percent necessary to maintain an operating level in the fund as determined by the Administrator: Provided further, That full implementation of the Business Management Fund will be phased in over a period not less than three years nor more than five fiscal years.</p>	

<u>House Appropriations Act FY 2002 (HR 2500)</u>	<u>Senate Appropriations Act FY 2002 (S 1215)</u>	<u>Conference Report for FY 2002</u>
	<p>There is hereby established the following organizational structure for the Business Management Fund of the National Oceanic and Atmospheric Administration: Provided, That the overall responsibility for the National Oceanic and Atmospheric Administration Business Management Fund lies with the Administrator of the National Oceanic and Atmospheric Administration: Provided further, That general management of the National Oceanic and Atmospheric Administration's Business Management Fund may be delegated by the Administrator to the Chief Financial Officer/Chief Administrative Officer of the National Oceanic and Atmospheric Administration.</p>	

<u>House Appropriations Act FY 2002 (HR 2500)</u>	<u>Senate Appropriations Act FY 2002 (S 1215)</u>	<u>Conference Report for FY 2002</u>
<p>PROCUREMENT, ACQUISITION AND CONSTRUCTION (INCLUDING TRANSFERS OF FUNDS)</p> <p>For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, \$749,000,000, to remain available until expended: Provided, That unexpended balances of amounts previously made available in the 'Operations, Research, and Facilities' account for activities funded under this heading may be transferred to and merged with this account, to remain available until expended for the purposes for which the funds were originally appropriated: Provided further, That, of the amount provided under this heading, \$26,000,000 shall be for the conservation activities defined in section 250(c)(4)(K) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended:</p>	<p>PROCUREMENT, ACQUISITION AND CONSTRUCTION (INCLUDING TRANSFERS OF FUNDS)</p> <p>For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, \$939,610,000, to remain available until expended: Provided, That unexpended balances of amounts previously made available in the 'Operations, Research, and Facilities' account for activities funded under this heading may be transferred to and merged with this account, to remain available until expended for the purposes for which the funds were originally appropriated: Provided further, That of the amount provided under this heading for expenses necessary to carry out the 'NOAA Procurement, Acquisition, and Construction sub-category' in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, the Coastal and Estuarine Land Conservation Program, \$83,410,000 to remain available until expended, and to be for conservation spending category activities pursuant to Section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of discretionary spending limits: Provided further, That of the above amounts, \$60,000,000 shall be for the 'Coastal and Estuarine Land Conservation Program':</p>	

<u>House Appropriations Act FY 2002 (HR 2500)</u>	<u>Senate Appropriations Act FY 2002 (S 1215)</u>	<u>Conference Report for FY 2002</u>
<p>Provided further, That none of the funds provided in this Act or any other Act under the heading 'National Oceanic and Atmospheric Administration, Procurement, Acquisition and Construction' shall be used to fund the General Services Administration's standard construction and tenant build-out costs of a facility at the Suitland Federal Center.</p>	<p>Provided further, That none of the funds provided in this Act or any other Act under the heading 'National Oceanic and Atmospheric Administration, Procurement, Acquisition and Construction' shall be used to fund the General Services Administration's standard construction and tenant build-out costs of a facility at the Suitland Federal Center.</p>	

<u>House Appropriations Act FY 2002 (HR 2500)</u>	<u>Senate Appropriations Act FY 2002 (S 1215)</u>	<u>Conference Report for FY 2002</u>
<p>PACIFIC COASTAL SALMON RECOVERY</p> <p>For necessary expenses associated with the restoration of Pacific salmon populations and the implementation of the 1999 Pacific Salmon Treaty Agreement between the United States and Canada, \$110,000,000, subject to express authorization: Provided, That this amount shall be for the conservation activities defined in section 250(c)(4)(K) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.</p> <p>In addition, for implementation of the 1999 Pacific Salmon Treaty Agreement, \$25,000,000, of which \$10,000,000 shall be deposited in the Northern Boundary and Transboundary Rivers Restoration and Enhancement Fund, of which \$10,000,000 shall be deposited in the Southern Boundary Restoration and Enhancement Fund, and of which \$5,000,000 shall be for a direct payment to the State of Washington for obligations under the 1999 Pacific Salmon Treaty Agreement.</p> <p>COASTAL ZONE MANAGEMENT FUND</p> <p>Of amounts collected pursuant to section 308 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456a), not to exceed \$3,000,000 shall be transferred to the 'Operations, Research, and Facilities' account to offset the costs of implementing such Act.</p>	<p>PACIFIC COASTAL SALMON RECOVERY</p> <p>For necessary expenses to carry out the 'NOAA Pacific Coastal Salmon Recovery sub-category' in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, the Endangered Species Act-Pacific Salmon Recovery, the Columbia River Hatcheries, the Columbia River Facilities, Pacific Salmon Treaty Implementation, \$133,940,000, to remain available until expended, and to be for conservation spending category activities pursuant to Section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of discretionary spending limits.</p> <p>COASTAL ZONE MANAGEMENT FUND</p> <p>Of amounts collected pursuant to section 308 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456a), not to exceed \$3,000,000 shall be transferred to the Operations, Research, and Facilities account to offset the costs of implementing such Act.</p>	

<u>House Appropriations Act FY 2002 (HR 2500)</u>	<u>Senate Appropriations Act FY 2002 (S 1215)</u>	<u>Conference Report for FY 2002</u>
<p>FISHERMEN'S CONTINGENCY FUND</p> <p>For carrying out the provisions of title IV of Public Law 95-372, not to exceed \$952,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.</p> <p>FOREIGN FISHING OBSERVER FUND</p> <p>For expenses necessary to carry out the provisions of the Atlantic Tunas Convention Act of 1975, as amended (Public Law 96-339), the Magnuson-Stevens Fishery Conservation and Management Act of 1976, as amended (Public Law 100-627), and the American Fisheries Promotion Act (Public Law 96-561), to be derived from the fees imposed under the foreign fishery observer program authorized by these Acts, not to exceed \$ 191,000, to remain available until expended.</p> <p>FISHERIES FINANCE PROGRAM ACCOUNT</p> <p>For the cost of direct loans, \$287,000, as authorized by the Merchant Marine Act of 1936, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That none of the funds made available under this heading may be used for direct loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.</p>	<p>FISHERMEN'S CONTINGENCY FUND</p> <p>For carrying out the provisions of title IV of Public Law 95-372, not to exceed \$952,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.</p> <p>FOREIGN FISHING OBSERVER FUND</p> <p>For expenses necessary to carry out the provisions of the Atlantic Tunas Convention Act of 1975, as amended (Public Law 96-339), the Magnuson-Stevens Fishery Conservation and Management Act of 1976, as amended (Public Law 100-627), and the American Fisheries Promotion Act (Public Law 96-561), to be derived from the fees imposed under the foreign fishery observer program authorized by these Acts, not to exceed \$ 191,000, to remain available until expended.</p> <p>FISHERIES FINANCE PROGRAM ACCOUNT</p> <p>For the cost of direct loans, \$287,000, as authorized by the Merchant Marine Act of 1936, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That none of the funds made available under this heading may be used for direct loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.</p>	

<u>House Appropriations Act FY 2002 (HR 2500)</u>	<u>Senate Appropriations Act FY 2002 (S 1215)</u>	<u>Conference Report for FY 2002</u>
<p>Departmental Management</p> <p>SALARIES AND EXPENSES</p> <p>For expenses necessary for the departmental management of the Department of Commerce provided for by law, including not to exceed \$3,000 for official entertainment, \$37,843,000 (reduced by \$2,000,000).</p> <p>OFFICE OF INSPECTOR GENERAL</p> <p>For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1-11, as amended by Public Law 100-504), \$21,176,000.</p> <p>General Provisions--Department of Commerce</p> <p>SEC. 201. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.</p>	<p>Departmental Management</p> <p>SALARIES AND EXPENSES</p> <p>For expenses necessary for the departmental management of the Department of Commerce provided for by law, including not to exceed \$8,000 for official entertainment, \$42,062,000.</p> <p>OFFICE OF INSPECTOR GENERAL</p> <p>For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1-11, as amended by Public Law 100-504), \$21,176,000.</p> <p>General Provisions--Department of Commerce</p> <p>SEC. 201. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.</p>	

<u>House Appropriations Act FY 2002 (HR 2500)</u>	<u>Senate Appropriations Act FY 2002 (S 1215)</u>	<u>Conference Report for FY 2002</u>
<p>SEC. 202. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefore, as authorized by law (5 U.S.C. 5901-5902).</p> <p>SEC. 203. None of the funds made available by this Act may be used to support the hurricane reconnaissance aircraft and activities that are under the control of the United States Air Force or the United States Air Force Reserve.</p> <p>SEC. 204. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.</p>	<p>SEC. 202. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefore, as authorized by law (5 U.S.C. 5901-5902).</p> <p>SEC. 203. None of the funds made available by this Act may be used to support the hurricane reconnaissance aircraft and activities that are under the control of the United States Air Force or the United States Air Force Reserve.</p> <p>SEC. 204. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.</p>	

<u>House Appropriations Act FY 2002 (HR 2500)</u>	<u>Senate Appropriations Act FY 2002 (S 1215)</u>	<u>Conference Report for FY 2002</u>
<p>SEC. 205. Any costs incurred by a department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title or from actions taken for the care and protection of loan collateral or grant property shall be absorbed within the total budgetary resources available to such department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.</p> <p>SEC. 206. The Secretary of Commerce may award contracts for hydrographic, geodetic, and photogrammetric surveying and mapping services in accordance with title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.).</p>	<p>SEC. 205. Any costs incurred by a department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title or from actions taken for the care and protection of loan collateral or grant property shall be absorbed within the total budgetary resources available to such department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.</p> <p>SEC. 206. The Secretary of Commerce may award contracts for hydrographic, geodetic, and photogrammetric surveying and mapping services in accordance with title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.).</p>	

<u>House Appropriations Act FY 2002 (HR 2500)</u>	<u>Senate Appropriations Act FY 2002 (S 1215)</u>	<u>Conference Report for FY 2002</u>
<p>SEC. 207 . The Secretary of Commerce may use the Commerce franchise fund for expenses and equipment necessary for the maintenance and operation of such administrative services as the Secretary determines may be performed more advantageously as central services, pursuant to section 403 of Public Law 103-356: Provided, That any inventories, equipment, and other assets pertaining to the services to be provided by such fund, either on hand or on order, less the related liabilities or unpaid obligations, and any appropriations made for the purpose of providing capital shall be used to capitalize such fund: Provided further, That such fund shall be paid in advance from funds available to the Department and other Federal agencies for which such centralized services are performed, at rates which will return in full all expenses of operation, including accrued leave, depreciation of fund plant and equipment, amortization of automated data processing (ADP) software and systems (either acquired or donated), and an amount necessary to maintain a reasonable operating reserve, as determined by the Secretary: Provided further, That such fund shall provide services on a competitive basis: Provided further, That an amount not to exceed 4 percent of the total annual income to such fund may be retained in the fund for fiscal year 2002 and each fiscal year thereafter, to remain available until expended, to be used for the acquisition of capital equipment, and for the improvement and implementation of department financial management, ADP, and other support systems:</p>	<p>SEC. 207 . The Secretary of Commerce may use the Commerce franchise fund for expenses and equipment necessary for the maintenance and operation of such administrative services as the Secretary determines may be performed more advantageously as central services, pursuant to section 403 of Public Law 103-356: Provided, That any inventories, equipment, and other assets pertaining to the services to be provided by such fund, either on hand or on order, less the related liabilities or unpaid obligations, and any appropriations made for the purpose of providing capital shall be used to capitalize such fund: Provided further, That such fund shall be paid in advance from funds available to the Department and other Federal agencies for which such centralized services are performed, at rates which will return in full all expenses of operation, including accrued leave, depreciation of fund plant and equipment, amortization of automated data processing (ADP) software and systems (either acquired or donated), and an amount necessary to maintain a reasonable operating reserve, as determined by the Secretary: Provided further, That such fund shall provide services on a competitive basis: Provided further, That an amount not to exceed 4 percent of the total annual income to such fund may be retained in the fund for fiscal year 2002 and each fiscal year thereafter, to remain available until expended, to be used for the acquisition of capital equipment, and for the improvement and implementation of department financial management, ADP, and other support systems:</p>	

<u>House Appropriations Act FY 2002 (HR 2500)</u>	<u>Senate Appropriations Act FY 2002 (S 1215)</u>	<u>Conference Report for FY 2002</u>
<p>Provide d further, That such amounts retained in the fund for fiscal year 2002 and each fiscal year thereafter shall be available for obligation and expenditure only in accordance with section 605 of this Act: Provided further, That no later than 30 days after the end of each fiscal year, amounts in excess of this reserve limitation shall be deposited as miscellaneous receipts in the Treasury:</p> <p>Provided further, That such franchise fund pilot program shall terminate pursuant to section 403(f) of Public Law 103-356.</p>	<p>Provide d further, That such amounts retained in the fund for fiscal year 2002 and each fiscal year thereafter shall be available for obligation and expenditure only in accordance with section 605 of this Act: Provided further, That no later than 30 days after the end of each fiscal year, amounts in excess of this reserve limitation shall be deposited as miscellaneous receipts in the Treasury:</p> <p>Provided further, That such franchise fund pilot program shall terminate pursuant to section 403(f) of Public Law 103-356.</p> <p>SEC. 208. Notwithstanding any other provision of law, of the amounts made available elsewhere in this title to the 'National Institute of Standards and Technology, Construction of Research Facilities', \$5,000,000 is appropriated to fund a cooperative agreement with the Medical University of South Carolina, \$6,000,000 is appropriated to the Thayer School of Engineering for the nanocrystalline materials and biomass research initiative, \$3,000,000 is appropriated to the Institute for Information Infrastructure Protection at the Institute for Security Technology Studies, and \$4,000,000 is appropriated for the Institute for Politics.</p>	

<u>House Appropriations Act FY 2002 (HR 2500)</u>	<u>Senate Appropriations Act FY 2002 (S 1215)</u>	<u>Conference Report for FY 2002</u>
	<p>SEC. 209. (a) Notwithstanding any other provision of law, the total amount of funds that may be transferred into the 'Working Capital Fund' in fiscal year 2002, or in any fiscal year thereafter, may not exceed \$117,000,000.</p> <p>(b) All transfers of funds to or from the Working Capital Fund in fiscal year 2002 and any fiscal year thereafter shall be subject to section 605, without regard to the amount of the reprogramming or the purpose of the funds so reprogrammed.</p> <p>(c) Of the amounts available under this section for salaries of the staff of the Department of Commerce, the amount obligated for that purpose before December 15, 2001, may not exceed \$29,250,000.</p> <p>(d)(1) Not later than December 15, 2001, the Secretary of Commerce shall submit to the Committees on Appropriations of the Senate and House of Representatives a report setting forth the proposed disbursements from the Working Capital Fund during fiscal year 2002.</p>	

<u>House Appropriations Act FY 2002 (HR 2500)</u>	<u>Senate Appropriations Act FY 2002 (S 1215)</u>	<u>Conference Report for FY 2002</u>
	<p>(2) Of the proposed disbursements in the report under paragraph</p> <p>(1)--</p> <p>(A) not more than \$40,000,000 of the proposed disbursements may be for the Commerce Administrative Management System; and</p> <p>(B) not more than \$15,000,000 of the proposed disbursements for that System may be from or attributable to the National Oceanic and Atmospheric Administration.</p> <p>(3) Disbursements from the Working Capital Fund in fiscal year 2002 may not be made until 15 days after the date on which the report is submitted under paragraph (1).</p> <p>(4) Any modification of a proposed disbursement from the Working Capital Fund previously specified in the report under paragraph (1) shall be treated as a reprogramming of funds to which section 605 applies, without regard to the amount of the modification or the purpose of the disbursement, as so modified.</p>	

<u>House Appropriations Act FY 2002 (HR 2500)</u>	<u>Senate Appropriations Act FY 2002 (S 1215)</u>	<u>Conference Report for FY 2002</u>
<p>This title may be cited as the 'Department of Commerce and Related Agencies Appropriations Act, 2002'.</p>	<p>(5)(A) If a disbursement from the Working Capital Fund in fiscal year 2002 will require any bureau or organization in the Department of Commerce to incur costs not previously specified in the report under paragraph (1), the disbursement may not be made until 15 days after the date on which such bureau or organization submits to the Committees on Appropriations of the Senate and House of Representatives a Memorandum of Agreement providing for such bureau or organization to incur such costs.</p> <p>(B) Each Memorandum of Agreement under this paragraph shall specify the provision of statute providing authority for the disbursement concerned.</p> <p>(e) Amounts in the 'Advances and Reimbursements' account may not be used to assess or collect costs or charges against or from any bureau or organization of the Department of Commerce unless the costs or charges are incurred for a project has been approved as a request for reprogramming under section 605.</p> <p>This title may be cited as the 'Department of Commerce and Related Agencies Appropriations Act, 2002'.</p>	